

Z-TEL COMMUNICATIONS, INC.)
)
Complainant,)
)
vs.) Docket No. 02-0160
)
ILLINOIS BELL TELEPHONE COMPANY,)
d/b/a AMERITECH ILLINOIS,)
)
Respondent.)

Z-Tel Communications, Inc. (“Z-Tel”), by its attorneys O’Keefe, Ashenden, Lyons and Ward, pursuant to 83 Ill. Adm. Code 200.340 and ALJ order, files this Reply in Support of its Motion to Compel and to Continue Date for Z-Tel’s Testimony. In its Motion, Z-Tel sought a Commission order compelling Ameritech to fully respond to certain discovery requests and further sought a modification for the date for filing Z-Tel’s direct testimony until such time as Ameritech has provided responses to Z-Tel’s requests.

On August 23, 2002 and in light of the discussions at the August 22, 2002 status hearing, Z-Tel notified the ALJ via email that it would withdraw those portions of the Motion to Compel that seek information relating to the software changes to the 836 LLN process. Specifically, Z-Tel withdrew its Motion with regard to Interrogatories 1, 2 and 6, and Document Requests numbers 4, 5, 6 and 10. However, Z-Tel continues to seek an order compelling Ameritech to respond to Interrogatories 7 through 13 and Document Requests 1 and 11 through 17.

On August 21, 2002, Ameritech filed its Response to the Motion to Compel. It is this Response to which Z-Tel now replies. In its Reply, Ameritech seeks to convince the Commission that the above discovery requests are overly broad, irrelevant, beyond the scope of, and not specific to, the issues raised on rehearing. Ameritech Reply, pp. 8-11. As will be explained below, these assertions are without merit, especially in light of the ALJ's ruling with respect to the scope of issues on rehearing.

A. The ALJ has clearly stated that the issues on rehearing include whether Ameritech is providing Z-Tel with OSS information in parity with Ameritech's retail units.

Ameritech exerts considerable effort in its Reply attempting to convince the Commission that Z-Tel does not understand the scope of the issues on rehearing. *See*, Ameritech Reply, pp. 9-11. For instance, Ameritech asserts that the "issue on rehearing is not whether Ameritech Illinois is in compliance with the Commission's Order, but whether the Order should be modified to eliminate the requirement that Ameritech provide the Local Loss report to Z-Tel." *Id.*, p. 11. However, after the conversation at the August 22, 2002 status hearing, it is readily apparent that Ameritech's limitation of the issues is not in line with the scope of rehearing. Quite to the contrary, the ALJ has clearly stated that the scope of review is NOT limited in the manner suggested by Ameritech. Tr., p. ____.¹ In point of fact, the ALJ has specifically held that the scope of the rehearing is to determine what is required to achieve parity in the customer disconnection process. Tr., p. ____.

In its *Order* entered in this proceeding, the Commission held that "Z-Tel should have the option of receiving more detailed OSS information about disconnected

¹ At the time of drafting this pleading, the transcript from the August 22, 2002 status hearing was not available to the parties. As such, no citation to the record is possible.

customers, *containing the same data fields as are currently sent to Ameritech's retail and Winback business units.*" *Order*, p. 19 (emphasis added). The Commission's Order further held that "Once Ameritech has in place a system where Z-Tel can choose between the 836 LLN and/or a notice that is sent in the same timeframes and contains as much information *as that currently sent to Ameritech's retail and Winback business units*, then Ameritech Winback may use the enhanced LLN again." *Id.*, p. 19-20 (emphasis added). Through the rehearing process, Ameritech has sought to lift the requirement "to offer Z-Tel the option to receive the line disconnect file that Ameritech retail currently receives in addition to the 836 LLN." Ameritech Application for Rehearing, p. 10. Thus, the issue of whether the system made available to Z-Tel "contain[s] the same data fields" and "as much information" as that currently provided to Ameritech's retail and Winback business units is squarely within the scope of this rehearing proceeding and subject to discovery.

For these reasons, the ALJ held that the scope of the rehearing is to determine what is required to achieve parity in the customer disconnection process. The ALJ was correct in her determination. As such, any discovery within the scope of those issues raised in rehearing is proper and Ameritech should be compelled to respond fully. "It is the policy of the Commission to obtain full disclosure of all relevant and material facts to a proceeding." 83 Ill. Admin. Code Part 200.340. As described below, each of the interrogatories and document requests at issue in this Motion are relevant and material to the proceeding.

B. Interrogatories 7 through 13.

As explained by Z-Tel in its Motion, the Interrogatories and Document Requests at issue are designed to produce relevant data and information to determine whether Ameritech has met the burden to lift the requirement to provide enhanced LLN to Z-Tel. The requests at issue directly relate to the type of OSS information that is provided to Ameritech's retail operations and seek information related to whether Ameritech provides Z-Tel with OSS information on lost customers that is in parity with the information that Ameritech provides its own retail operations.

For instance, Interrogatories 7 and 8 seek information related to the manner in which record changes (i.e., disconnection) are made in the ASON database for both Ameritech's retail business unit customers and Z-Tel's customers so that a comparison can be made. We know from the testimony and cross-examination of Ameritech's witnesses in the initial phase of this proceeding that Ameritech's retail and Winback operations use information from the ASON database. In fact, at the moment that an order is created to change a customer's carrier, Ameritech's retail operations would receive an instantaneous copy of the customers' Change Order from ASON. Tr., p. 375. When the ASON record is changed due to a customer's changing their service, ASON would automatically distribute a mirror copy of that data record "downstream so that other [Ameritech] departments have it." Tr. 222. Ameritech's retail operations were then able to create special data files for its Winback Marketing Group, including information on why the customer may have left Ameritech, and whether the winning CLEC is a UNE-P provider, a reseller, the reason the customer disconnected, the billing account number of the customer if it is different from the actual line being disconnected, whether there are

any additional lines billed to the customer, and the type of customer being disconnected (business or residential), as well as volumes of other information. Tr. 224-225; 295-297; Z-Tel Cross Exh. 3. We also know that none of this information was made available to Z-Tel, thus serving as a foundation that Ameritech was guilty of anticompetitive actions in violation of 220 ILCS 5/13-514 and 13-801.

Interrogatories 7 and 8 are designed to allow Z-Tel to perform a comparison to the manner in which Ameritech makes record changes to itself verses Z-Tel in the ASON database. With such information, Z-Tel can then make a comparison to determine whether the system made available to Z-Tel “contain[s] the same data fields” and “as much information” as that currently provided to Ameritech’s retail and Winback business units, as is required by the Commission’s *Order*. In other words, the requests are designed to elicit information that will allow for an analysis of whether Z-Tel is receiving parity in the customer disconnection process.

A similar analysis can take place for the other Interrogatories at issue in this proceeding. They each seek information that will allow Z-Tel, and the Commission, to determine whether Z-Tel is receiving information in parity with the timeframes and information currently sent to Ameritech’s retail and Winback business units. As such, each of the Interrogatories are relevant and well within the scope of the rehearing proceeding.

C. Document Requests 1 and 11 through 17.

As for the Document Requests at issue in this Motion, they, too, are relevant and within the scope of this proceeding. Document Request number 1 seeks all documents relied upon for any responses to the Interrogatories. This is a standard data request and

Ameritech has objected to the extent that it raised objections to the underlying interrogatories. Thus, to the extent the ALJ rules in favor of Z-Tel in the underlying Interrogatories at issue in this Motion, Ameritech must also be compelled to provide any documents relied upon in their response.

In a similar fashion, the remaining document requests at issue are a parallel to the interrogatories at issue in the Motion. For instance, Document Request numbers 11 and 12 seek any documents related to the manner in which record changes (i.e., disconnection) are made in the ASON database for both Ameritech's retail business unit customers and Z-Tel's customers so that a comparison can be made (paralleling Interrogatories 7 and 8 described above). Document Requests 13 through 17 further parallel Interrogatories 9 through 13 and seek any documents that describe the particular process raised in the interrogatory.


The same analysis described for the interrogatories above is applicable to these requests as well. Each document request seeks information that will allow Z-Tel, and the Commission, to determine whether Z-Tel is receiving information in parity with the timeframes and information currently sent to Ameritech's retail and Winback business units. Thus, these Document Requests are well within the scope of, and relevant to, the proceeding and Ameritech must be compelled to answer fully.

Wherefore, for each of the foregoing reasons, Z-Tel requests that the Commission compel Ameritech to produce all documents and information responsive to Interrogatories 7 through 13, and Documents Requests Numbers 1 and 11 through 17.

Respectfully submitted,

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Z-Tel Communications, Inc.



One of its attorneys

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